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In the United States Patent and Trademark Office

Applicants: James A. Davis et al. Docket No.: 16,234
Serial No.: 09/866,326 Group: 3761
Confirmation No: 5265 Examiner: Karin M. Reichle
Filed: May 25, 2001
For: Absorbent Article With Dynamic Air Flow

Terminal Disclaimer

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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The Present Application

- Noted
11-24-07
1. Kimberly-Clark Worldwide, Inc., doing business at 401 North Lake Street, Neenah, Wisconsin, 54956, is the assignee of the entire right, title and interest in and to the above-referenced present pending U.S. patent application serial number 09/866,326 filed on May 25, 2001 for "Absorbent Article With Dynamic Air Flow".
 2. Assignment of the inventors' rights in present patent application serial number 09/866,326 to Kimberly-Clark Worldwide, Inc. is evidenced by an assignment document which has been recorded in the U.S. Patent and Trademark Office at Reel 011893, Frame 0492.

Commonly Assigned Patent

1. Kimberly-Clark Worldwide, Inc. is also the assignee of the entire right, title and interest in and to copending U.S. patent number 6,454,749 issued on September 24, 2002 for "Personal Care Products With Dynamic Air Flow".
2. Assignment of the inventors' rights in U.S. patent number 6,454,749 to Kimberly-Clark Worldwide, Inc. is evidenced by an assignment document which has been recorded in the U.S. Patent and Trademark Office at Reel 9395, Frame 0383.

Right of Assignee to Prosecute

Kimberly-Clark Worldwide, Inc. certifies:

- (a) that the evidentiary documents have been reviewed; and
- (b) that to the best of Kimberly-Clark Worldwide, Inc.'s knowledge and belief, the title of present 6,454,749 patent is not identical to the title of present 6,454,749 patent.

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U.S. patent application serial number 09/866,326 is in Kimberly-Clark Worldwide, Inc.

Terminal Disclaimer

1. Kimberly-Clark Worldwide, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present U.S. patent application serial number 09/866,326, which would extend beyond the expiration date of the full statutory term, including any applicable term extension, defined in 35 U.S.C. 154 and 156 for U.S. patent number 6,454,749.
2. Kimberly-Clark Worldwide, Inc. hereby agrees that any patent granted upon present U.S. patent application serial number 09/866,326 shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to U.S. patent number 6,454,749. This agreement shall run with any patent granted upon present U.S. patent application serial number 09/866,326 and shall be binding upon Kimberly-Clark Worldwide, Inc., its successors and/or assigns.

Exceptions to Terminal Disclaimer

In the event that, after the filing of this Terminal Disclaimer, U.S. patent number 6,454,749:

- (a) expires for failure to pay a maintenance fee;
- (b) is held unenforceable;
- (c) is found invalid by a court of competent jurisdiction;
- (d) is statutorily disclaimed in whole;
- (e) is terminally disclaimed under 37 C.F.R. 1.321(a);
- (f) has all of its claims canceled in a reexamination certificate; or
- (g) is otherwise not deemed to provide the rights conveyed by 35 U.S.C. 154 prior to the expiration of its full statutory term;

Kimberly-Clark Worldwide, Inc. specifically does not disclaim any terminal part of any patent granted on the present U.S. patent application serial number 09/866,326 prior to the expiration date of the term defined in 35 U.S.C. 154 and 156 including any term extensions as applicable to any patent granted on U.S. patent 6,454,749.

Fee

Pursuant to 37 C.F.R. 1.321(c)(1), please charge the \$110.00 fee due in accordance with 37 C.F.R. 1.20(d) to Kimberly-Clark Worldwide, Inc.'s deposit account number 11-0875. This Terminal Disclaimer is filed in duplicate.

The undersigned is an attorney of record in the present application having serial no. 09/866,326.

Respectfully submitted,

KIMBERLY-CLARK WORLDWIDE, INC.

DAVIS ET AL.

By: Christos S. Kyriakou
Christos S. Kyriakou

Reg. No. 42,776

Date: September 4, 2003

CERTIFICATE OF MAILING

I, Christos S. Kyriakou, hereby certify that on September 4, 2003 this Terminal Disclaimer is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Christos S. Kyriakou
Christos S. Kyriakou